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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,166

02/09/2006

Giovanni Mazzarolo

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EXAMINER

PATEL, TAJASH D

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,166	<b>Applicant(s)</b> MAZZAROLO, GIOVANNI	
	<b>Examiner</b> Tejash D. Patel	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaloof (US 6,125,478) in view of O'Meara et al. (US 7,182,662). Alaloof discloses a motorcycle jacket including a plurality of airbags (110,130) to protect against fall and impact that is inflated by electronic means in response the detection risk and danger emitted by sensors, col. 10, lines 41-49. A first of the airbags (110) extends on the front above the chest and a second of the airbags extends on the rear as shown in figure 2G. Furthermore, the inflating device includes pyrotechnics, col. 9, line 1- col. 10, line 65. Sensors are secure to a vehicle such that upon a fall electrical signal are sent to inflate the airbags as shown in figures 6 (A-C). The jacket has an front opening through which the airbag is deployed between flaps (542,544) as shown in figure 11. Additionally, support means includes bands/straps (44) that are positioned about the chest having the electronic means attached thereto as shown in figure 4A. A bottom portion of the device covers a bottom part of the body as shown in figure 4B. Also, the jacket includes sensors (538) therein, col. 11, lines 10-25. However, Alaloof does not show the front opening being offset.

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O'Meara discloses an inflatable garment having an offset front opening with a zipper closure (11f) as shown in figure 1.

It would have been obvious to one skilled in the art to provide the garment of Alaloof with an offset front opening as taught by O'Meara so that the deployed airbag can substantially protected the chest area of the body or as required for a particular application thereof.

Furthermore, it is obvious that the front offset opening of Alaloof when viewed with O'Meara can be curved to conform about the body. In addition, sensors (538) within the garment of Alaloof when viewed with O'Meara can be deployed to protect the user from impact, col. 11, lines 11-26.

### ***Response to Amendment***

3. The amendment and arguments filed on August 29, 2008 have been considered. In view of such, a newly discovered prior art has prompted this office action to be made new-non Final and the arguments are moot.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The examiner's supervisor Mr. Gary Welch can be reached at (571) 272-4996. The fax phone number for this group is (571) 273-8300.

December 1, 2008

/Tejash Patel/

Tejash Patel